

DANIELS AND HALE IN HEATED CLASH

Navy Secretary Charges an Attempt to Use on Him the 'Steam Roller.'

TILT OVER SHIPS' FITNESS

Sims Will Take Stand in Rebuttal To-day as Last Witness.

WASHINGTON, May 26.—Cross-examination of Secretary Daniels by the Senate naval investigating committee was ended to-day at a session marked by heated clashes between the Naval Secretary and Senator Pittman, Democrat (Nev.), on one hand and Chairman Hale (New), on the other. Rear Admiral Sims, whose charges against the Navy Department brought about the investigation, will take the stand in rebuttal to-morrow. Chairman Hale indicated that the Admiral would be the last witness and that his statement would be brief.

In the course of a tilt with Senator Hale to-day Secretary Daniels threatened to carry to the full Senate Naval Committee a protest against the chairman's conduct of the inquiry. The Secretary charged that a "steam roller" was being used on him and characterized as "unfair and unjust" a "stigma on the navy" a long compilation of statistics Chairman Hale sought to read into the record.

Condition of Major Ships.
The tabulation, Senator Hale said, was compiled in his office from figures submitted to him by Daniels and related to the state of preparedness of the major ships of the navy just prior to the declaration of war by the United States. Mr. Daniels retorted that the chairman had misinterpreted the department's figures and that in the Hale compilation the dreadnought Arizona was listed as having been "unfit to fight" on February 12, 1917.

"The Arizona 'unfit to fight' Mr. Daniels went on. 'It is laughable. I decline to answer any questions based on such a tabulation and denounce it as unfair, unjust and a stigma on the American navy. I will carry my protest to the full Naval Affairs Committee if necessary.' Chairman Hale said he would otherwise designate the columns marked 'Fit to fight' and 'Unfit to fight' and then put the compilation in the record. Secretary Daniels demanded that the Senator take the stand as a witness and take the oath before submitting evidence.

This the chairman refused to do, and Mr. Daniels then demanded that the person who made the compilation be sworn as a witness. Again he was overruled by the chairman. Senator Pittman at this point protested against the tabulation going into the record and left the room after the chairman had announced he would not yield in his stand.

FEARED WOMAN ON TRIAL FOR MURDER

Kin of Slain Doctor Told to Watch Miss Zimmerman.

SPRINGFIELD, MASS., May 26.—Four witnesses for the prosecution in the trial of Miss Jennie C. Zimmerman, charged with the murder of her cousin, Dr. Henry Zimmerman, testified in Superior Court to-day as to conversations both before and after the shooting which they had with Peter Balkin, a previous witness, in which they declared Mr. Balkin had warned relatives of Dr. Zimmerman to watch out for Miss Zimmerman. The witnesses also said Mr. Balkin had tried to bring about a settlement between Miss Zimmerman and the physician, with the assurance that he would leave the city. Bernard Feldman, an uncle of the dead physician, and Isaac Silverman testified to these facts at the morning session, and in the afternoon Dr. Julius M. Cornell, brother-in-law of Dr. Zimmerman, and Arthur E. Fisher told of similar conversations with Mr. Balkin.

Dr. Cornell declared that the first of his conversations with Mr. Balkin took place in March, 1919, when Mr. Balkin placed in the hands of Dr. Zimmerman a letter in which Dr. Zimmerman was involved with Miss Zimmerman and in great trouble.

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PARTS OF LEVER ACT HELD VOID BY COURT

Continued from First Page.

tion 4 is insufficient to found a criminal charge upon because there is no penalty provided for the violation of it. It does not of itself create an offense as that word is used in the criminal law, and there is no general penalty clause in the statute to cover it.

"Section 26 deals with persons carrying on or employed in commerce another several States. In any trade or business, but it applies to farmers, fruit growers, cooperative and other, exchanges or societies of a similar character without reference to where or by whom the necessities are produced. These persons are set apart as a favored class and are given the privilege of storing, acquiring, holding or destroying any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce.

"The first proviso is not limited to the necessities produced by the excepted class, but it applies to farmers, fruit growers, cooperative and other, exchanges or societies of a similar character without reference to where or by whom the necessities are produced. These persons are set apart as a favored class and are given the privilege of storing, acquiring, holding or destroying any such article for the purpose of limiting the supply thereof to the public or affecting the market price thereof in such commerce without any restraint whatever, while all other persons who commit such acts are to be punished as criminals. It is arbitrary legislation and it stands. Section 26 is therefore void."

RAILROADS READY TO RAISE WORKERS' PAY

Not Opposed to Granting Fair Increases, Says Whiter.

SPECIAL TO THE SUN AND NEW YORK HERALD. CHICAGO, May 26.—E. T. Whiter, testifying in behalf of the roads to-day before the United States Railroad Labor Board said the companies are not opposed to granting fair increases in wages to their workers in return for honest, conscientious work.

Mr. Whiter's statement came as he finished his reply to the demands of the 2,000,000 rail workers for wage increases ranging from 60 to 100 per cent. He had been on the stand for nearly two weeks, but this was the first official intimation he had given that the roads are prepared to meet their employees half way.

The Order of Railway Trainmen will make the first reply. They will be represented by W. N. Doak, vice-president of the order. The other organizations will follow Mr. Doak. In the meantime opportunity will be given for the railroad to be heard in rebuttal.

MINERS AWAITING LEVER ACT DECISION

Adjourned Until To-day; Are Urged Not to Strike.

WILKESBARRE, MAY 26.—Awaiting official interpretation of Judge Anderson's decision in the Federal court at Indianapolis relative to the Lever act, the district convention of anthracite mine workers, in session here to-day, considered disposition of their wage controversy and adjourned until to-morrow without taking any action.

The delegates insisted upon the adjournment in order that they might be advised by John L. Lewis, international president of the United Mine Workers, as to whether the courts' ruling would curb the Government's use of the injunction in event of a hard coal workers' strike.

When Associated Press bulletin telling of Judge Anderson's decision were read to the convention, delegates in all sections of the auditorium clamored for the floor, demanding that no further business be transacted until word was received from President Lewis. Rules were suspended and the convention was immediately adjourned until to-morrow. Despite the opposition of their offi-

cials to strike agitation, the delegates adopted a motion to-day which would permit the taking of a strike vote. The motion sets forth that a separate vote shall be taken on each of the propositions before the convention, which are as follows:

Acceptance of Secretary of Labor Wilson's contract, granting wage increases of approximately 17.5 per cent. and recognition of the United Mine Workers of America.

Handing of an ultimatum to the operators, to be followed by the submission of the entire controversy to a Presidential coal commission, if rejected by the operators.

Declaration of war on the coal operators by ordering a strike despite probable Government opposition.

Thomas Kennedy, president of District 7, chairman of the convention, in a lengthy address to the delegates to-day warned them that "a strike was out of the question" and declared that the only "honorable road" out of the situation was to submit the entire dispute to a Presidential commission. While admitting that the anthracite miners are "the best fighters in the world," Mr. Kennedy declared that "men of iron" could not win a strike under present conditions.

Condemning those who had talked strike in the face of President Wilson's warning and offer to assist in effecting a settlement, the speaker declared that though the miners may differ with the President in many things, "when all is said and done the man who lingers in the White House now, sick with death, has been the best President for the working man since Abraham Lincoln. When in any administration was there a man who sat in the Cabinet with a union card in his pocket?"

Judge Ward, Hough and Mantou of the United States Circuit Court of Appeals handed down yesterday their separate but concurring opinions, holding the Lever act against profiteering valid and constitutional. Judge Mantou announced Tuesday that the court had found the law valid, but the written opinions were not filed until yesterday afternoon.

Judge Mantou in the main opinion, which was in the case of C. A. Weed & Co., clothing dealers of Buffalo, against Stephen T. Lockwood, Federal District Attorney for the Western District of New York, and was joined by numerous other concerns, the National Association of Clothiers and the National Retail Dry Goods Dealers Association, declared:

"Since we are still in a state of war and the war time emergency has not expired, we are of the opinion that Congress could legislate, as it did, under the authority of its war powers without transgressing Article I of the Constitution."

Judge Ward, while concurring, pointed out that "if we were in a state of 'official peace' this statute would in my judgment be unconstitutional. It would also be constitutionally objectionable because it is a gross piece of class legislation. But the statute is begotten by war and is constitutionally excused (i. e. justified) by the war power, which is superior to and not to be measured by the police powers of the several States."

In regulating civil and commercial life in war time, the nation through the Congress is exercising the first law of nature—self defense, whereof the limits are incapable of predetermination. But it is surely within those limits to fix prices by legislative fiat and punish every man violating therefrom. The present statute does not go that far, for practically it asks the usually soft-hearted jury to issue the fiat."

Concerning the defendants' allegations of injury to good name and property, Judge Ward said: "The defendant is not prevented from selling its stock of wearing apparel at just and reasonable rates and charges because it has been prosecuted for selling those particular garments at what is alleged to be an unjust and unreasonable rate of charge. If wrongfully convicted it will have a perfectly adequate remedy by writ of error direct to the Supreme Court."

Gets \$25,000 for Crippled Leg.
A jury in the Supreme Court yesterday before Justice Davis awarded Thomas O'Sullivan, a retired policeman, \$25,000 damages for a crippled right leg. A truck owned by William H. Farrell & Son, coal dealers, ran over O'Sullivan's right foot, while he was on duty in November, 1918, and permanently injured it.

New Freight Service via Panama.
SAN FRANCISCO, May 26.—Four huge new freight steamers will soon connect regular service between Rotterdam and San Francisco and other ports on the Pacific coast, by way of the Panama Canal. It was announced to-day by the Holland-America Line.

Confidence
In a single day last month we sold \$23,400 worth of used Pierce Arrows, without a demonstration or the starting of a motor.

To us this evidence of faith in the Pierce Arrow car and confidence in the word and guarantee of our firm is even more gratifying than the volume of business secured.

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which forbids legislation that deprives the citizen of property without due process of law. During the recent war the struggle between economic resources was all important. It did much to make for the morale of the army and navy. Food control as a subject of war legislation has been approved. Wearing apparel, declared to be one of the necessities, is well within this sphere of legislation.

"Food and wearing apparel control during a war emergency are properly the subject for war legislation and by limiting charges for such necessities Congress does not take property without due process of law."

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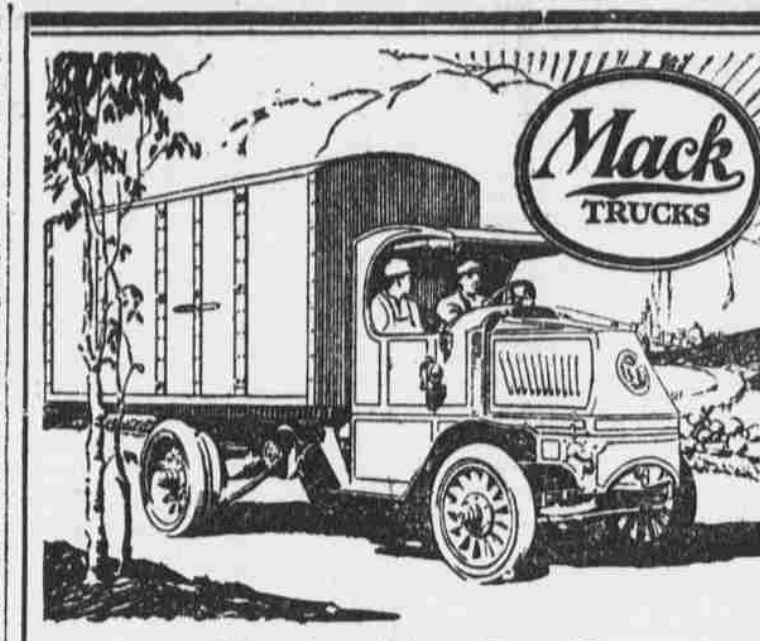
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